



Nevada State Board of Medical Examiners

*** * * MINUTES * * *** **OPEN SESSION BOARD MEETING**

**Held in the Conference Room at the offices of the
Nevada State Board of Medical Examiners
1105 Terminal Way, Suite 301, Reno, NV 89502
and videoconferenced to
the conference room of the Nevada State Board of Dental Examiners
6010 S. Rainbow Boulevard, Building A, Suite 1, Las Vegas, Nevada 89118**

FRIDAY, MARCH 4, 2005 – 8:30 a.m.
and
SATURDAY, MARCH 5, 2005 – 8:30 a.m.

Board Members Present

Stephen K. Montoya, M.D., President
Joel N. Lubritz, M.D., Vice President
Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
Marlene J. Kirch
Sohail U. Anjum, M.D.
Javaid Anwar, M.D.
Charles N. Held, M.D.
Jean Stoess, M.A.
Cindy Lamerson, M.D.

Staff Present

Drennan A. Clark, J.D., Executive Secretary/Special Counsel
Laurie L. Munson, Deputy Executive Secretary/
Information Systems Administrator/Chief of Administration
Bonnie S. Brand, General Counsel
Edward O. Cousineau, Deputy General Counsel
Lynnette L. Krotke, Chief of Licensing
Carolyn H. Castleman, Deputy Chief of Licensing
Douglas C. Cooper, Chief of Investigations
Michael L. Huse, Investigator
Trent S. Hiatt, Investigator (in Las Vegas)

Also Present

Charlotte M. Bible, J.D., Chief Deputy Attorney General
Peter A. Mansky, M.D., Director, Nevada Health Professionals Assistance Foundation
Roger M. Belcourt, M.D., President, Nevada Health Professionals Assistance Foundation
Dan Hickey, P.A.-C, Physician Assistant Advisory Committee Member (in Las Vegas)
Michael J. Garcia, R.R.T., Practitioner of Respiratory Care Advisory Committee Member (in Las Vegas)

FRIDAY, MARCH 4, 2005

Agenda Item 1

CALL TO ORDER AND ANNOUNCEMENTS – Stephen K. Montoya, M.D., President

The meeting was called to order by President Stephen K. Montoya, M.D., at 8:30 a.m.

Dr. Montoya welcomed new Board member Cindy Lamerson, M.D. to the Board.

Agenda Item 2

APPROVAL OF MINUTES

- December 3 & 4, 2004 Board Meeting – Open/Closed Sessions
- December 28, 2004 Emergency Telephone Conference Call Board Meeting – Open Session

Dr. Lubritz requested the following change to page 7, first sentence of the first paragraph under the heading of “Status of Investigative Caseload,” of the December 3 & 4, 2004 Open Session Minutes: “Dr. Lubritz” should be changed to “Doug Cooper” at the beginning of the sentence.

Dr. Baepler requested the following change to page 9, last paragraph, of the December 3 & 4, 2004 Open Session Minutes: the word “he” should be changed to “Dr. Baepler” in the sentence that begins “he has been thinking about it and would prefer not to go above the \$600 fee that was charged physicians”

Mrs. Kirch moved to approve the minutes of the December 3 & 4, 2004 Board Meeting - Open/Closed Sessions, as amended. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Baepler moved to approve the minutes of the December 28, 2004 Emergency Telephone Conference Call Board Meeting – Open Session. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 3

REPORT ON STATUS OF THE BOARD’S PUBLIC SERVICE ANNOUNCEMENT PROGRAM THROUGH NEVADA BROADCASTERS ASSOCIATION

- Drennan A. Clark, J.D., Executive Secretary/Special Counsel

Mr. Clark told the Board the Nevada Broadcasters Association is finalizing some additional scripts for radio and TV spots from those that the Board’s PSA Committee approved previously. When finished, they will send them to the Board for review, and the Board will have an opportunity to make modifications. None will require Board members to appear on TV; they will use actors and actresses.

Dr. Montoya stated the intent of the script that he has is to imply there are a lot of good doctors in Nevada and to project a positive image of those doctors, as well as convey the message the Board is here to help if the public has questions about a doctor. He also told the Board he would work with Nevada Broadcasters to get the Spanish spot filmed prior to the next Board meeting.

Discussion ensued concerning how Nevada Broadcasters arrives at a dollar return for the advertising they do on behalf of the Board, the amount the Board is currently spending on advertising and the percentage of the Board’s total revenue that amount represents.

Agenda Item 4

AMENDMENTS TO NEVADA ADMINISTRATIVE CODE CHAPTER 630

- Review of Public Comments on, and Consideration of Adoption of Proposed Amendment to NAC 630.080, *Examinations*
 - Edward O. Cousineau, J.D., Deputy General Counsel; Lynnette L. Krotke, Chief of Licensing
- Status of Amendment to NAC 630.560 to Increase the Membership of the Practitioner of Respiratory Care Advisory Committee to Five Members
 - Drennan A. Clark, J.D., Executive Secretary/Special Counsel

- Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to NAC 630.080, *Examinations*

Dr. Baepler stated that at the last meeting, the Board discussed how it would handle the applications that were already in process with respect to a change in the regulation setting a limitation on the number of attempts an applicant had made to pass the USMLE, but came to no conclusion.

Ms. Krotke stated that all applications already in process should probably be grandfathered in with respect to that limitation, as it was not in effect when those applicants submitted their applications.

Mrs. Kirch stated that the Board should still be allowed to deny licensure to those applicants if it doesn't feel they are qualified.

Discussion ensued concerning how to notify applicants of the new regulation and of the fact that if they apply and are denied a license, their application fees will not be refunded.

Mr. Cousineau stated that consistent with the Administrative Procedures Act, two workshops were held to solicit public input on the proposed regulation – one in Reno and one in Las Vegas – followed by a public hearing. He received no written public input, and received verbal comments from only one person – Lawrence P. Matheis. Mr. Cousineau summarized Mr. Matheis' comments, i.e., that he believed it was a step in the right direction, but he had concerns that international medical graduates often times find the examinations problematic and was hoping the Board would contemplate putting a procedure in place to track whether there was a pattern as far as the individuals who apply that do not meet the proposed criteria. Mr. Matheis indicated that Mr. Cousineau accurately stated his comments. Mr. Cousineau stated the Board had complied with all requirements under the Administrative Procedures Act to this point and that a vote by the Board on adoption of the proposed regulation amendment was appropriate at this time.

Dr. Anwar moved to go forward with the amendment to the regulation. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Status of Amendment to NAC 630.560 to Increase the Membership of the Practitioner of Respiratory Care Advisory Committee to Five Members

Mr. Clark told the Board he had drafted the amendment to NAC 630.560 and would send out the notice of workshops and hearing that month, and would be prepared to go forward at the June meeting with a presentation to the Board of the proposed amendment.

Mr. Garcia stated that the reason they want to add members to the Advisory Committee was to better represent their constituency. They want to add an additional member from the north and one from the rural communities so they will have a total of two from the south, two from the north and one from the rural communities.

Dr. Lubritz moved to amend NAC 630.560 to increase the membership of the Practitioner of Respiratory Care Advisory Committee to five members. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 6

BOARD WEBSITE: WWW.MEDBOARD.NV.GOV REPORT

- Laurie L. Munson, Deputy Executive Secretary/Information Systems Administrator
 - Consideration of Implementation of New Licensing and Regulatory Software System
 - Consideration of Addition of Licensees' Educational History to Licensee Search Module

Ms. Munson told the Board that the website continues to receive an increase in hits per day and that staff has received positive feedback on the website.

- Consideration of Implementation of New Licensing and Regulatory Software System

Ms. Munson described the current licensing and regulatory software system utilized by the Board and the past and present costs the Board has expended for the system. She then outlined the costs associated with the purchase of software for implementing online renewals utilizing the current license and regulatory software, and the costs for additional training for staff to better utilize the current system. She stated there has been great frustration on the part of the staff with the current system, particularly with respect to creating reports from the Board's database, and the training may assist with this, and will allow staff to better evaluate whether the current system meets the Board's needs.

Ms. Munson then described another licensing and regulatory software system that staff has been looking at as a possible replacement for the current system. A company named GL Suite contacted staff and provided staff with a demonstration of their product. Staff was impressed so Ms. Munson has done further research by contacting other Boards, both in state and out of state, Medical Boards and others, who are utilizing the product or are in the process of installing it. The feedback she received was mostly positive. Ms. Munson then summarized the quote from GL Suite for the proposed system.

Dr. Montoya asked Ms. Munson if she was recommending the new system, and Ms. Munson stated she was not. Rather, she wanted to bring it to the Board's attention as something the Board might want to consider down the road if the current system continues to be problematic, and at this juncture she thinks the Board should expend money on training on the current system which may solve many of the problems staff has experienced with the system, and the viability of the current system could be revisited in another six months to a year after that.

Dr. Montoya stated that because we are currently deep into license renewals, it would not be the best time to change systems.

Dr. Baepler stated there is money in the budget that was passed at the last meeting for training, but any significant expenditures should be deferred until after July 1 to see if the budget assumptions have held up correctly.

Dr. Montoya stated that in order for the Board to consider a new system, staff should provide the Board members with the specifications of the system paper, and include the advantages, disadvantages and costs of both the current system and any proposed system so the Board could make an informed decision. In the meantime, training on the current system as outlined appears to be a good idea.

Dr. Lubritz suggested that the Board should utilize an RFP to obtain bids and information on systems that are available and then compare them in a similar way to determine the best system to utilize.

- Consideration of Addition of Licensees' Educational History to Licensee Search Module

Dr. Montoya stated all the clean-up work has been completed on the educational history of the Board's licensees and now it is up to the Board to decide whether to include that information on the website.

Ms. Munson described the information that is included in the Board's database with respect to the educational history of the Board's licensees and what information from the database would be included on the website.

Mr. Clark read NRS 630.144, the statute which outlines what is required to be posted on the Board's website.

Dr. Lubritz moved that the Board place on its website what is required by regulation. Dr. Anjum seconded the motion, and it passed, with Mrs. Kirch opposed and the Chair voting in favor of the motion.

Ms. Stoess stated it is important there be a place on the website that instructs the viewer to call the office if he or she wants additional information, and asked if the Board's website included that. Ms. Munson stated she would make sure that there was.

Dr. Lubritz stated he would accept that as an amendment to his motion. Dr. Held seconded the amended motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Lubritz moved that the Board approve the expenditure for training on the Board's current licensing and regulatory software system. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 5

**REQUEST FOR APPROVAL TO PRACTICE OUTSIDE OF THE UNIVERSITY OF NEVADA
SCHOOL OF MEDICINE'S FAMILY PRACTICE RESIDENCY PROGRAM, PER
NRS 630.265(4)**

- Gurpreet K. Padam, M.D., License No. LL1437
- Karen Selbach, Residency Program Secretary – Family Practice Residency, Reno

Dr. Baepler stated that the Medical School came to the Board when it started the residency program and asked the Board to adopt the limited license for residents which would prohibit moonlighting. It worked well, but it appears the Medical School is now taking a different approach to it. Three meetings ago, the Board received an exception to the policy for a third-year resident to moonlight in a hospital in a small town in California where they are having extreme difficulty getting ER coverage on weekends. The medical school professor highly approved it, it was for a limited time, it did a service to the community and it was educationally valuable to the resident, and the Board approved it. At the next meeting, a third-year resident wanted to moonlight in the mental health facility in Las Vegas, which is horribly understaffed, and the resident's professor again backed up the request, and it was again for a limited time. The Board approved the request but asked Mr. Clark to contact the Medical School because the Board has now been placed in a position where it is performing an administrative function for the Medical School by making these exceptions when the Medical School should be making these exceptions to a policy that the Medical School requested. If the Medical School wants to change its position on moonlighting, it should let the Board know and the Board can change its licensing procedure. Now the Board has received this latest request for an exception and the way it has been presented is simply for educational experience, not to fill a special community need, which could apply to any resident, and if the Board approves this exception, it will be difficult to deny one in the future.

Mr. Clark told the Board he did communicate with the Medical School and talked with former Board Member and Medical School Faculty Advisor, Cheryl Hug-English, M.D. She expressed the opinion that the Medical School would like to maintain the current policy and allow, by exception, on application, individuals from the program to moonlight.

Gurpreet K. Padam, M.D. stated she was applying for permission to moonlight primarily for an educational purpose, as ER in a rural area is one area she doesn't feel she has adequate experience in, and that is the type of area she is considering working in, and she thinks it is important to get the experience. She wants to moonlight in Quincy, California, and she would be working one or two shifts per month.

Karen Selbach, Family Practice Residency Program Secretary, stated the Medical School has two ER rotations in the second year, a trauma surgery rotation in the second year and a rural health rotation.

Discussion ensued concerning whether the Board could delegate authority to the Medical School to determine whether to grant an exception to the statute and allow a resident to moonlight, or whether the statute would need to be changed.

Dr. Lubritz moved that the Board deny Dr. Padam's request to practice outside the University of Nevada School of Medicine Family Practice Residency Program, pursuant to NRS 630.265(4). Dr. Baepler seconded the motion.

Dr. Lubritz told Dr. Padam that the denial was not directed at her. The Board applauds her for wanting to get more education and does not want to compromise her ability to learn, but the Board members feel this isn't the correct venue for the request.

A vote was taken on the motion and it passed, with Dr. Anwar, Mrs. Kirch, Dr. Held and Ms. Stoess opposed and the Chair voting in favor of the motion.

Further discussion ensued concerning the history of the Medical School's policy on moonlighting, the statute and regulation which govern moonlighting, and concerning whether the Board could delegate authority to the Medical School under the statute or regulation to make future decisions concerning moonlighting or whether the statute or regulation would need to be amended. Ms. Bible stated the Board could possibly amend the regulation to provide further clarification of the statute in that way. Ms. Stoess suggested that this matter be placed on the agenda for the Board's September meeting, after Board staff has had an opportunity to work with the Medical School and draft a proposed amendment to the regulation.

Agenda Item 7

REPORTS

- Diversion Program - Quarterly Report - Peter Mansky, M.D., Executive Director
- Physician Assistant Advisory Committee - Dan Hickey, P.A.-C, Advisory Committee Member
 - Consideration of Request for Appointment of Replacement Committee Member
- Practitioner of Respiratory Care Advisory Committee - Michael J. Garcia, R.R.T., Advisory Committee Member
- Investigative Committees - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer, Chairperson, Investigative Committee A
 - Joel N. Lubritz, M.D., Vice President, Chairperson, Investigative Committee B
 - Consideration of Cases Recommended for Closure by the Committees
 - Status of Investigative Caseload
 - Request to Place Hearing Schedule on Board Website - Douglas C. Cooper, Chief of Investigations
- Nevada State Medical Association Liaison Report - Stephen K. Montoya, M.D.; and Lawrence P. Matheis, Executive Director of the Nevada State Medical Association
- Clark County Medical Society Liaison Report - Stephen K. Montoya, M.D., President; and Weldon Havins, M.D., J.D., CEO and Special Counsel of the Clark County Medical Society
- Secretary-Treasurer - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
 - Status of Finances
- Federation of State Medical Boards' *Promoting Balance and Consistency in the Regulatory Oversight of Pain Care Workshop*, February 3 & 4, 2005, Las Vegas, NV - Donald A. Baepler, Ph.D., D.Sc., Secretary-Treasurer; Drennan A. Clark, J.D., Executive Secretary/Special Counsel; and Michael L. Huse, Investigator
- Administrators in Medicine's *2005 Winter Board of Directors Meeting*, February 11 & 12, 2005, New Orleans, LA - Drennan A. Clark, Executive Secretary/Special Counsel

- Diversion Program: Quarterly Report

Peter Mansky, M.D. distributed a report to Board members. He told the Board that the Diversion Program currently is currently monitoring 60 physicians, physician assistants and respiratory therapists, as well as 3 osteopathic physicians, some dentists and a chiropractor. They have had 11 licensee candidates, they have five people pending evaluations and they are working with 1 disruptive physician. They are hoping to get funding through additional Boards

or organizations in the future to grow as a program. He stated they have been working with the Board's License Specialists, who have been very helpful in the process of evaluation, and have also been interacting with the Board's Investigators. Their program follows a health and wellness track, which not only protects the public, but also preserves the individual's career and aids in recovery. They have been working with the Federation of State Medical Boards and the Federation of Health Physicians Health Programs and hope to base their guidelines on those programs. The Program's resources have been solid for what they are doing at the present time, and they have about a two-to-three-month operating reserve. They've continued to increase their interactions with hospitals and group practices and plan to approach residents and medical students in developing programs which would perform a prevention role. The Program continues to have two active Diversion Committees, north and south, and are continuing to examine their procedures for collection of urine in an attempt to reduce the price of each test by 50 percent, and thereby increase the frequency and degree of monitoring. They are negotiating with the laboratory to charge the participants directly, which will keep them current and keep the system running. The Program's contract with the Board is up for renewal and they are requesting a three-year contract with an increase of \$40,000 per year, bringing the contract amount to \$150,000 per year.

Roger Belcourt, M.D. stated that they are making many enhancements to the program and one is a unique monitoring system for the progression of participants through the program, which they expect to help keep people in the program who have not established the basics of compliance. The standard is a five-year contract, which is the minimum an individual spends in the program. If compliance is an issue, it can be extended.

Dr. Montoya asked about the Program's other sources of income and Dr. Mansky stated the Program receives \$11,000 from the Osteopathic Board, and has approached other boards, but have not been able to engage them to date. They receive income from the participants of \$100 to \$200 per month for monitoring, depending on when they entered the program and their particular discipline. Essentially, half of the Program's income is presently coming from the Board. The Hospital Association no longer contributes to the Program. The Dental Board is not interested at this time.

Dr. Baepler stated that each time the Board has entered into a contract with the Diversion Program, the Board has signaled clear intent to reduce its level of support as the Program gathered support from other agencies and sources. The Board did include \$150,000 per year in the budget for the Diversion Program for the coming biennium because it feels Dr. Mansky can move the Diversion Program to a higher plateau. But the Board operates on a biennial system and its revenues are projected for only two years, so the request for a three-year contract should be reduced to two, and it should be thought of as \$300,000 for the biennial as opposed to \$150,000 per year. To put it in perspective, this amount is 10% of the license fees the Board takes in from physicians, serving less than 1% of the physicians.

Discussion ensued concerning the term, "advocacy" with respect to applicants for licensure who are in the Diversion Program, and concerning payment for evaluation and treatment by participants who are transferring in from other states.

Dr. Montoya suggested Board members could work with the hospitals to get them to pitch in and support the Program.

Dr. Anwar moved to renew the contract with the Diversion Program in the amount of \$300,000 for two years. Ms. Stoess seconded the motion.

Discussion ensued concerning terms and approval of the contract and interim financing. It was decided that formal approval of the contract would be placed on the agenda for the June Board meeting.

- Practitioner of Respiratory Care Advisory Committee

Michael J. Garcia, R.R.T. told the Board the Department of Health has indicated they may be able to create a waiver for respiratory therapists with respect to the blood gas license they are currently required to obtain through the Department of Health, and thereby obviate the need to change the statute. He will be meeting with them and will apprise the Board of the results of that meeting. The Advisory Committee will also be preparing a recommendation for the Board at its next meeting requesting a statutory or regulatory amendment to clarify what a respiratory therapist student can do based upon his or her process and curriculum.

**INVESTIGATIVE COMMITTEES – Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer,
Chairperson, Investigative Committee A
Joel N. Lubritz, M.D., Vice President, Chairperson,
Investigative Committee B**

- Consideration of Cases Recommended for Closure by the Committees
- Status of Investigative Caseload

- Consideration of Cases Recommended for Closure by Committees

Dr. Baepler reported that Investigative Committee A considered 96 cases, authorized filing formal complaints in 2 cases, appearances were requested in 6 cases, 6 cases were referred back to investigative staff for further investigation and 82 cases were recommended for closure.

Dr. Lubritz reported that Investigative Committee B considered 80 cases, authorized filing a formal complaint in 1 case, 1 case was sent out for peer review, appearances were requested in 2 cases, 7 cases were referred back to investigative staff for further investigation and 69 cases were recommended for closure.

Ms. Stoess moved to approve for closure the cases recommended by the Investigative Committees. Dr. Anwar seconded the motion, and the motion carried unanimously, with the Chair voting in favor of the motion.

- Status of Investigative Caseload

Mr. Cooper told the Board that in February, they hit a high of 90 peer reviews in the field, and there are currently 69 peer reviews in the field. There are 21 hearings scheduled and 3 additional formal complaints just authorized by the Investigative Committees, for a total of 24 files. Investigator Teri Ward will present the findings of their compliance overview at the next Board meeting. They have audited 100% of the Board's legal files and she will present the figures gathered from their review. The Investigations Division currently has 645 open cases,

which is 92 per Investigator. The December and January intake of citizen complaints were the heaviest ever – about 101 citizen complaints in 60 days – and the ratio was 80% from the south and 20% from the north.

- Request to Place Hearing Schedule on Board Website

Mr. Cooper stated the hearing schedule has become a very dynamic document and changes weekly, so he thought it would be a good idea to place the schedule on the website and refer the patient and medical staff officers of the hospitals to the website to verify whether a hearing is going to take place and when, rather than having to call and update them whenever there is a change to a hearing.

Discussion ensued, and Dr. Montoya stated the website would remain as to what the statute reflects.

- Nevada State Medical Association Liaison Report
- Clark County Medical Society Liaison Report

Dr. Montoya stated the Clark County Medical Society and the Nevada State Medical Association report they are pretty much in line with the Board with respect to legislative issues.

Lawrence P. Matheis, Executive Director of the Nevada State Medical Association, stated that the Council Board of the Nevada State Medical Association will be meeting to go over the major issues and Dr. Montoya will be provided with all materials. One bill that has come out that would affect the Board would require a report to the Board on every office-based surgery that is done in the state, and while the intent is laudable, they have some problems with it and will be attempting to amend the bill to make it more reasonable. Dr. Anjum asked for the definition of office-based surgery and Dr. Matheis stated it has to do with the level of sedation. The bill is a result of national news stories during the summer dealing with allergic reactions to anesthetics, and to anesthesia, in some cases. Another bill draft that would apply to the Board would require criminal background checks on all new applicants. The Board has looked into the issue of criminal background checks and the NSMA has no objection to it, but they think a more prudent approach would be to authorize the Board to conduct a criminal background check when there is any reason to think the information is needed. Again, this bill is a reaction to a very negative news story.

- Secretary-Treasurer
- Status of Finances

Dr. Baepler provided an interim statement for the Board's fiscal year, which began July 1 and ends June 30. The first year of the biennium, there is a huge surplus, and projections are that the Board will spend half of it. The second year of the biennium, which we are currently in, is the year the Board does not collect much money, so the budget will always show a deficit during that time, which is planned. Therefore, this is a reflection of the status of the Board's projected budget as of March for a fiscal year that ends June 30. The Board is on target and is comfortable in all its operating parameters. The only area where the Board is over-expended is furniture. So it appears the Board will meet the target that was set up at the beginning of the biennium, and that status of the Board's budget is that it is in good shape.

- Federation of State Medical Boards' *Promoting Balance and Consistency in the Regulatory Oversight of Pain Care Workshop*, February 3 & 4, 2005, Las Vegas, NV

Dr. Baepler told the Board there was a good turnout at the Las Vegas session and there are a number of staff members going to the Seattle session. The first day of the session was a general background information session and the second day was broken into a session for staff and a session for board members and administrators. He thinks everyone who attended found it very useful, and pain management is a very timely topic that people are discussing around the country.

Investigator Michael L. Huse stated the meeting was very informative and eye opening. There was an impressive list of speakers and it was pointed out that under-prescribing of medications is more of an issue than over-prescribing nationwide. There were several areas of discussion that related to investigative procedures. Additionally, Keith McDonald from the Nevada Pharmacy Board gave a presentation at the workshop on a pilot program wherein the Pharmacy Board allows almost immediate transfer of information from their database to qualified end users. The Board's Investigators have signed up for this service and have been utilizing it.

- Administrators in Medicine's 2005 Winter Board of Directors Meeting, February 11 & 12, 2005, New Orleans, LA

Mr. Clark told the Board that the Administrators in Medicine Board of Directors set the agenda and program for the 2005 annual meeting. Additionally, it is attempting to set up a program for all board counsel, whereby if a particular board counsel has a problem or question, he or she can put it on the Internet to all other board counsel and find out how other boards have dealt with the issue. There will also be a similar program for investigators.

- Physician Assistant Advisory Committee
- Consideration of Request for Appointment of Replacement Committee Member

Dan Hickey, P.A.-C told the Board he was appearing primarily to request appointment of Janet Wheble to fill the vacancy on the Advisory Committee.

Ms. Stoess moved to appoint Janet Wheble to the Physician Assistant Advisory Committee. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 8

EXECUTIVE STAFF REPORTS

- Drennan A. Clark, J.D., Executive Secretary/Special Counsel
 - Consideration of Request for Staff Attendance at Educational Meetings and Board Member Attendance at Federation of State Medical Boards of the United States, Inc.'s 2005 Annual Meeting
 - Report on Status of Office Space in Las Vegas for Investigators
 - Informational Items

- Consideration of Request for Staff Attendance at Educational Meetings and Board Member Attendance at Federation of State Medical Boards of the United States, Inc.'s 2005 Annual Meeting

Mr. Clark requested authority for staff to attend the educational meetings listed on the handout provided to Board members for review and encouraged Board members to attend the Federation Annual Meeting in Dallas May 12 through 14.

Dr. Baepler moved to authorize attendance at the aforementioned educational meetings as discussed. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Report on Status of Office Space in Las Vegas for Investigators

Mr. Clark told the Board there is a new Board lounge next to the kitchen for Board members to make phone calls in private, have coffee together, etc., and an office for the Board President, Vice President and Secretary-Treasurer on the far side of the office. Additionally, the Board's Investigators currently have no non-public place to meet with witnesses and complainants or to copy medical records. The Pharmacy Board has taken new office space on South Maryland Parkway in an office complex across from UNLV and there is space available in the complex they would be willing to sublet to the Board. The Board has sufficient furniture and computers for that office, but would need to lease a copy machine and fax machine. This would provide a secure and private place to meet with witnesses and complainants and copy confidential medical records. He requested the Board's approval to enter into a sublease or lease agreement with the Pharmacy Board and to obtain the necessary equipment.

Mrs. Kirch moved to approve entering into a lease agreement with the Pharmacy Board and purchase necessary equipment. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 9

LEGAL REPORTS - Bonnie S. Brand, J.D., General Counsel
Edward O. Cousineau, J.D., Deputy General Counsel
Charlotte M. Bible, J.D., Chief Deputy Attorney General

- Board Ordered Terms, Conditions and Probation Status
- Board Litigation Status

- Board Litigation Status

Ms. Brand told the Board there are 2 cases pending adjudication, 31 cases scheduled for hearing, 9 cases wherein the Investigative Committees have authorized the filing of complaints, 2 cases pending settlement and 14 cases requiring Investigative Committee summaries prepared by Legal. Legal is booked through July with hearings. The Mishler case has been concluded but the Board is still awaiting receipt of the final order. She and Mr. Cousineau completed and filed the Nevada Supreme Court brief in the Mower case and Dr. Mower will now have an opportunity to reply. There may or may not be a hearing and there is no way of knowing when the Court will make a decision, but they will keep the Board apprised. The workload is heavy right now but she is new and they are going to buckle down and see what they can do.

Ms. Bible told the Board the Mishler case has been ongoing for 14 years and Dr. Mishler could go to the U.S. Supreme Court and make a case for a federal constitutional violation, but it is not likely the case is the type the Court would review.

- Board Ordered Terms, Conditions and Probation Status

There was no report under this agenda item.

Agenda Item 10

ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. SCOTT R. FORREST, C.R.T., BME CASE NO. 04-29264-1

- Bonnie S. Brand, J.D., General Counsel

OPEN SESSION

Dr. Montoya named the adjudicating members and asked if they had received the information packet on this case. All indicated they had. Dr. Montoya asked if the adjudicating members were ready to make an adjudication, and they indicated they were.

Ms. Brand stated Mr. Forrest completed an application for licensure and checked "no" on Question 12, which asked if he had ever been convicted of a violation of law, and also checked "no" on a question asking whether he had used chemical substances or had problems with chemical substances. Two weeks later Mr. Forrest completed a registration form and answered "yes" to the question whether he had ever violated a law and admitted he had been convicted of DUI. He also answered "not applicable" to the question about chemical substances. On May 19, he tested positive for cocaine and was dismissed by Washoe Medical Center. Board staff has not heard from Mr. Forrest, but has information Mr. Forrest received notice of the hearing and a full copy of the complaint and pre-hearing statement, which included all the evidence against him, and also received notice that the adjudication would take place today so the Board can adjudicate in his absence.

Mrs. Kirch moved to go into Closed Session. Ms. Stoess seconded the motion, and it passed.

Upon returning to Open Session, Dr. Held moved that the Board find Scott Forrest, C.R.T. guilty of the charges of failing a drug test and lying on his application twice. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Held moved that the Board revoke Scott Forrest, C.R.T.'s license to practice Respiratory Therapy in the state of Nevada. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 11

**CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. SURESH KHILNANI, M.D.,
BME CASE NO. 04-6268-01**

- Edward O. Cousineau, J.D., Deputy General Counsel

OPEN SESSION

Dr. Montoya named the adjudicating members. He then explained the circumstances surrounding the case against Dr. Khilnani. It was alleged he failed to meet the standard of care by failing to monitor cuff pressures and an ET tube of one patient and that he should have performed a tracheostomy on another patient when the patient was transferred to him by another physician.

Dr. Held explained that in the case of cuff pressures, Dr. Khilnani didn't know what the departmental policies were for monitoring cuff pressures, and therefore was unaware of something he should have been aware of as a pulmonary physician. As to the other case, a patient came in from a care facility and there was a recommendation from a doctor at the care facility that she receive a tracheostomy. It was not performed and there was no documentation in the chart that he gave consideration to further evaluation of the patient's airway, which ultimately led to her demise. A tracheostomy would not have been appropriate therapy, but the issue was that she came in with an airway problem and only a superficial evaluation was performed.

Discussion ensued concerning the facts of the case.

Dr. Montoya asked about the terms of settlement and Mr. Cousineau stated Dr. Khilnani would perform ten hours of CME relating to documentation in addition to the regular CME requirements and would reimburse the Board its costs, which were set at \$2,500 in this case.

Discussion ensued concerning whether the settlement was appropriate under the circumstances. Dr. Held stated that from conversations with Dr. Khilnani, he knows how to monitor cuff pressures, care for an ET tube, etc., and this was a case of a problem with documentation, not treatment.

Ms. Bible explained that the settlement would be reportable as a disciplinary action, but would be reflected as a failure to maintain medical records and not a malpractice issue.

Dr. Lubritz moved that the Board accept the terms of the settlement. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 12

CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. TIMOTHY DYCHES, M.D., BME CASE NO. 04-9201-01

- Edward O. Cousineau, J.D., Deputy General Counsel

OPEN SESSION

Dr. Montoya named the adjudicating members.

Dr. Lubritz stated Dr. Dyches is a very well-respected physician who has been practicing in Nevada for over 20 years. This was a case of medical error due to his practice manager changing the way pathology reports were handled without advising Dr. Dyches. Prior to this case, pathology reports were presented to the physician, who would sign off on them and they would then be placed in the patient's chart. The practice manager changed the procedure so that pathology reports no longer went to the physician and were just filed in the chart, and did not advise Dr. Dyches. This particular patient had a tonsillectomy and Dr. Dyches saw the patient for a post-op visit. There was no pathology report available. On a subsequent visit, eight months later, it was found she had a lymphoma of the tonsil. She was staged, underwent radiation and has done well since that time. Dr. Dyches very forthrightly said a mistake was made and accepted responsibility for it as it was his practice. He has since fired his practice manager and instituted layers of protection with respect to the filing of records so he has remedied the problem and it is unlikely to occur again. Dr. Dyches was very sorry it happened, agreed it shouldn't have happened, and the patient has had a good outcome.

Mr. Cousineau explained how the case proceeded and how settlement was arrived at. The settlement is a dismissal of the complaint.

Dr. Baepler moved that the Board accept the terms of the settlement. Dr. Anwar seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 13

CONSIDERATION OF DISMISSAL OF COMPLAINT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. TODD K. MALAN, M.D., BME CASE NO. 04-10433-1

- Bonnie S. Brand, J.D., General Counsel

OPEN SESSION

Dr. Montoya named the adjudicating members and summarized the case. Dr. Malan could not treat his pregnant patient in any hospital due to her insurance situation so he sent her to a hospital where he didn't have privileges, even though she was having problems and needed to be induced, and the receiving physician filed a complaint against Dr. Malan for patient abandonment.

Dr. Lubritz explained that the patient knew Dr. Malan couldn't go to UMC and she made a decision based on her insurance situation to go there anyway, so there was no abandonment.

Dr. Lubritz moved to go into Closed Session. Mrs. Kirch seconded the motion, and it passed.

Upon returning to Open Session, Dr. Montoya stated there had been a recommendation by staff to dismiss the complaint against Dr. Malan.

Mrs. Kirch moved to dismiss the formal complaint against Todd Malan, M.D. in Case No. 04-10433-1. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 14

LICENSURE RATIFICATION

- Ratification of Licenses Issued, and Reinstatements of Licensure and Changes of Licensure Status
Approved, Since the December 3 & 4, 2004 Board Meeting

Dr. Baepler moved to ratify the licenses issued, and reinstatements of licensure and changes of licensure status approved, since the December 3 & 4, 2004 Board meeting. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

RECESS

Dr. Montoya recessed the meeting for lunch at 12:44 p.m.

RECONVENE

Dr. Montoya reconvened the meeting at 1:25 p.m.

Agenda Item 15

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

Mrs. Kirch moved to go into Closed Session to discuss the character and professional competence of applicants for licensure approval. Dr. Lubritz seconded the motion, and it passed.

CLOSED SESSION

15(a) Philip Baker, M.D.

Upon returning to Open Session, Dr. Anwar questioned Philip Baker, M.D., who appeared before the Board to respond to questions concerning his affirmative responses to Questions 12 and 19 on his application for licensure.

Dr. Baker explained the difficulties he experienced during his residency training at the University of Saskatchewan.

Dr. Anwar moved that the Board grant Philip Baker, M.D.'s application for licensure. Dr. Baeppler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed.

15(b) John Duong-Tran, M.D.

Upon returning to Open Session, Dr. Anjum questioned John Duong-Tran, M.D., who appeared before the Board to respond to questions concerning his negative response to Question 12 and his affirmative response to Question 28 on his application for licensure.

Dr. Duong-Tran explained that he had originally answered negatively to Question 12 because the one malpractice case that had been filed against him was dismissed before going to court. He described the circumstances surrounding the suspension of his licenses in Oregon and Washington due to non-payment of child support and stated he is now current with his child support obligations and both his Oregon and Washington licenses have been reinstated.

Dr. Lubritz moved that the Board grant John Duong-Tran, M.D.'s application for licensure. Dr. Anwar seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed.

15(c) Trent Marcus, M.D.

Upon returning to Open Session, Dr. Lubritz questioned Trent Marcus, M.D., who appeared before the Board to respond to questions concerning his affirmative responses to Questions 12, 19 and 31 on his application for licensure.

Dr. Marcus explained the circumstances surrounding the difficulties he had during his internship and residency training. He described the investigations by the Arkansas Medical Board into allegations of over-prescribing of pain medication, negligence in caring for a nursing home patient and of abandonment of another nursing home patient.

Mrs. Kirch moved to return to Closed Session. Dr. Montoya seconded the motion, and it passed.

Upon returning to Open Session, Dr. Lubritz moved that the Board grant Trent Marcus, M.D.'s application for licensure. Dr. Anwar seconded the motion, and it passed, with Mrs. Kirch and Dr. Held opposed and the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed.

15(d) Chamaraja Rao, M.D.

Upon returning to Open Session, Mrs. Kirch questioned Chamaraja Rao, M.D., who appeared before the Board on his application for licensure by endorsement. She asked him what circumstances he could cite which would compel the Board to grant him licensure by endorsement when he otherwise doesn't meet the requirements for licensure, and Dr. Rao could cite none.

Mrs. Kirch moved that the Board decline to exercise its discretion to grant licensure by endorsement to Chamaraja Rao, M.D. Dr. Anwar seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to grant an unrestricted license to Chamaraja Rao, M.D. pending successful passage of a peer review. Dr. Anwar seconded the motion, and it carried unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed.

15(e) Vinay Bararia, M.D.

Upon returning to Open Session, Dr. Held questioned Vinay Bararia, M.D., who appeared before the Board to respond to questions concerning his 19 failed attempts at the USMLE.

Dr. Bararia explained why it was difficult for him to pass the USMLE.

Dr. Held moved that the Board grant Vinay Bararia, M.D.'s application for licensure. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anjum moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed.

15(f) Louis Fink, M.D.

Upon returning to Open Session, Dr. Baepler addressed Louis Fink, M.D., who appeared before the Board on his application for licensure by endorsement. Dr. Baepler explained that licensure by endorsement is reserved for people with extraordinary credentials or qualifications, which Dr. Fink possesses.

Dr. Fink told the Board he will work with the Nevada Cancer Institute and plans to make it a center for excellence in cancer treatment. He will also continue his research.

Dr. Baepler moved that the Board exercise its discretion to grant licensure by endorsement to Louis Fink, M.D. Dr. Anwar seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Anwar seconded the motion, and it passed.

15(g) Gary Seigel, M.D.

Upon returning to Open Session, Ms. Stoess questioned Gary Seigel, M.D., who appeared before the Board on his request for a change in licensure status from county-restricted to unrestricted.

Dr. Seigel explained that he chose to practice medicine in Ely with a county-restricted license as opposed to completing a third year of residency because he always planned to practice in Ely, regardless of the status of his license.

Ms. Stoess moved that the Board grant an unrestricted license to Gary Seigel, M.D. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed.

15(h) Dale Mericle, M.D.

Upon returning to Open Session, Dr. Lubritz questioned Dale Mericle, M.D., who appeared before the Board to respond to questions concerning his conflicting responses to Question 12 on his two applications for licensure and his negative response to Question 31 on both applications for licensure.

Dr. Mericle explained the circumstances surrounding the order from the Medical Board of California that he undergo a psychiatric evaluation due to an investigation by the California Board in response to complaints against him for inappropriate patient examinations.

Dr. Lubritz asked Dr. Mericle if he understood that lying on an application for licensure was grounds for denial of licensure, and Dr. Mericle responded in the affirmative. Dr. Lubritz asked Dr. Mericle if he understood that attempting to obtain a license through fraud or misrepresentation or by a false, misleading, inaccurate or incomplete statement was grounds for denial of licensure, and Dr. Mericle responded in the affirmative.

Dr. Montoya asked Dr. Mericle if he was aware of any complaints against him for inappropriate patient examinations and Dr. Mericle described the circumstances surrounding the complaints. Dr. Mericle stated he thought "investigation" meant a formal investigation by the Board. Dr. Lubritz asked Dr. Mericle if he was aware of any malpractice claims against him, and Dr. Mericle stated there were 22 at the prison, but no others.

Mrs. Kirch moved to return to Closed Session. Dr. Anwar seconded the motion, and it passed.

Upon returning to Open Session, Dr. Baepler moved that the Board deny Dale Mericle, M.D.'s application for licensure specifically because of Dr. Mericle's conflicting responses to Question 12 on his two applications for licensure, in that he answered the question in an opposite manner on each, and because of his untruthful responses to Question 31 on both of his applications. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed.

15(i) Robert Richards, M.D.

Upon returning to Open Session, Dr. Montoya questioned Robert Richards, M.D., who appeared before the Board on his application for licensure by endorsement and to respond to questions concerning his affirmative responses to Questions 12, 13, 32 and 33 on his application for licensure.

Dr. Richards explained the circumstances surrounding the felony charges against him, to which he entered a plea in abeyance and which were subsequently dismissed by the District Court in Utah, but which the Office of the Inspector General mistakenly listed as a felony in its databank. He also described the problems he had with American Fork Hospital and his ultimate separation from that institution.

Dr. Montoya explained to Dr. Richards that licensure by endorsement is reserved for people with extraordinary credentials or qualifications, and asked Dr. Richards what circumstances he could cite which would compel the Board to grant him licensure by endorsement when he otherwise doesn't meet the requirements for licensure. Dr. Richards could cite none.

Dr. Baepler explained to Dr. Richards that it is up to the discretion of the Board whether to grant Dr. Richards the opportunity to undergo a peer review in lieu of the requirement that an applicant has passed a major examination within the previous 10 years of applying for licensure. He also explained that if the Board declines to exercise its discretion to grant licensure by endorsement, it is not reportable; however a denial of licensure is reportable.

Dr. Anwar moved to return to Closed Session. Mrs. Kirch seconded the motion, and it passed.

Upon returning to Open Session, Dr. Montoya stated that under the circumstances of Dr. Richards' application, it was not appropriate for the Board to exercise its discretion to grant licensure to Dr. Richards by endorsement, nor was it appropriate to grant Dr. Richards a peer review, and recommended that Dr. Richards take a recertification examination. He further stated the Board was not going to deny his application at that time, so it would not be reportable, and that Dr. Richards could reapply after passing an examination.

Dr. Baepler moved that the Board decline to exercise its discretion to grant licensure by endorsement to Robert Richards, M.D. Dr. Lubritz seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Baepler moved that the Board exercise its discretion to grant licensure by endorsement to Robert Richards, M.D. Dr. Lubritz seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed.

15(j) Rajiv Budden, M.D.

Rajiv Budden, M.D. appeared before the Board with his attorney, Hal Taylor, Esq.

Dr. Montoya asked Dr. Budden what had changed since he last applied to the Board for licensure.

Dr. Budden explained that Form 2 to the application was prepared by a different individual.

Mr. Taylor stated the Board denied Dr. Budden's previous application based upon information contained in that application and that the information had changed since then.

Dr. Lubritz asked Dr. Budden whether his internship program contract with Medical College of Georgia was not renewed or whether he was terminated from the program.

Dr. Budden stated he was not terminated; the contract was not renewed, but he was never given a reason for the non-renewal. With respect to his residency with the University of Connecticut, he stated he had completed 18 months satisfactorily, but was then put on academic probation for unsatisfactory performance and was subsequently terminated from the program, but he doesn't know why.

Dr. Anjum stated the current application was no different from the previous application with respect to Dr. Budden's problems with his internship and residency.

Dr. Budden stated he is scheduled to take the Anesthesiology Boards in July 2005.

Mrs. Kirch moved to return to Closed Session. Dr. Anwar seconded the motion, and it passed.

Upon returning to Open Session, Dr. Montoya explained to Dr. Budden that the Board is concerned about Dr. Budden's competency as a physician due to the problems he had during his medical training and the behavioral problems and quality of care issues raised by Antelope Valley Hospital, and is also concerned about Dr. Budden's forthrightness. The Board would like to receive letters from the Chief of Staff, from the Chief of Anesthesiology, and from the Risk Manager at the Hospital stating Dr. Budden is competent and capable. Nothing has substantially changed since Dr. Budden last applied to the Board for licensure and the Board's job is to protect the people of Nevada. To that end, the Board is going to exercise its diligence and table a vote on Dr. Budden's current application until receipt of the aforementioned letters.

Dr. Budden explained he practices in a group which is a loosely attached group of physicians who are all independently incorporated, and he associates with them on a daily basis but is an independent contractor. There are other Anesthesiologists in the group.

Mrs. Kirch moved to table the matter until a future Board meeting. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed.

15(k) Ramoncito Ocampo, M.D.

Upon returning to Open Session, Dr. Baepler questioned Ramoncito Ocampo, M.D., who appeared before the Board to respond to questions concerning his 11 failed attempts at the USMLE and the fact that he spent over 10 years in paramedic services between receiving his M.D. degree and going through his medical training.

Dr. Ocampo told the Board he has an unrestricted license to practice in New York. He explained why he took so long to begin his medical training following medical school and why it was difficult for him to pass the USMLE. He described his fellowship at Mount Sinai School of Medicine and stated he is interested in working with chronically, severely mentally ill patients.

Dr. Baepler moved that the Board grant Ramoncito Ocampo, M.D.'s application for licensure. Dr. Anwar seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Anwar seconded the motion, and it passed.

15(l) Marwan Zheiman, M.D.

Upon returning to Open Session, Dr. Held questioned Marwan Zheiman, M.D., who appeared before the Board to respond to questions concerning the medical schools he attended, his affirmative response to Question 19 on his application for licensure, and his difficulties in passing the USMLE.

Dr. Zheiman explained why he transferred from The American University of the Caribbean to Spartan Health Sciences University and why there was a gap between his attendance at the two medical schools and between receiving his medical degree and his internship. He also described the circumstances surrounding his being placed on probation twice during his medical training at Medical College of Georgia, and why it was difficult for him to pass the USMLE.

Dr. Anjum moved that the Board grant Marwan Zheiman, M.D.'s application for licensure. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Anwar seconded the motion, and it passed.

15(m) Michael Han, M.D.

Upon returning to Open Session, Ms. Stoess questioned Michael Han, M.D., who appeared before the Board to respond to questions concerning the fact that he has not passed a major examination within the past 10 years.

Dr. Han told the Board he plans to practice at University Medical Center in the Trauma Unit. He will be taking his Board certification examination in July 2005.

Dr. Baepler moved that the Board decline to exercise its discretion to grant licensure by endorsement to Michael Han, M.D. Dr. Lubritz seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Baepler moved to grant an unrestricted license to Michael Han, M.D. pending successful passage of a peer review. Dr. Anwar seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed.

15(n) Douglas Canham, M.D.

Upon returning to Open Session, Dr. Anjum questioned Douglas Canham, M.D., who appeared before the Board to respond to questions concerning his affirmative response to Question 12 on his application for licensure. Dr. Anjum stated that although Dr. Canham only completed two years postgraduate training, he meets the requirements for licensure because he has a current certification in Emergency Medicine, but he must maintain that certification at all times.

Dr. Canham explained the circumstances surrounding the single claim of malpractice against him and described the work he did in Saudi Arabia.

Dr. Anjum moved to grant Douglas Canham, M.D.'s application for licensure subject to Dr. Canham maintaining Board Certification in Emergency Medicine at all times. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Anwar seconded the motion, and it passed.

15(o) Ilan Reizes, M.D.

Upon returning to Open Session, Dr. Montoya questioned Ilan Reizes, M.D., who appeared before the Board to respond to questions concerning his affirmative response to Question 12 on his application for licensure and regarding the fact that he has not passed a major examination within the past 10 years.

Dr. Reizes explained the circumstances surrounding the single claim of malpractice against him and told the Board he plans to practice in Las Vegas.

Dr. Baepler moved that the Board decline to exercise its discretion to grant licensure by endorsement to Ilan Reizes, M.D. Dr. Lubritz seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Baepler moved to grant an unrestricted license to Ilan Reizes, M.D. pending successful passage of a peer review. Dr. Anjum seconded the motion, and it carried unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed.

15(p) John Reyes, M.D.

Upon returning to Open Session, Dr. Lamerson questioned John Reyes, M.D., who appeared before the Board to respond to questions concerning the fact that he has not passed a major examination within the past 10 years.

Dr. Reyes told the Board he plans to practice General Pathology in Las Vegas.

Mrs. Kirch asked Dr. Reyes what circumstances he could cite which would compel the Board to grant him licensure by endorsement when he otherwise doesn't meet the requirements for licensure, and Dr. Reyes could cite none.

Mrs. Kirch moved that the Board decline to exercise its discretion to grant licensure by endorsement to John Reyes, M.D. Dr. Anwar seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to grant an unrestricted license to John Reyes, M.D. pending successful passage of a peer review. Dr. Anwar seconded the motion, and it carried unanimously, with the Chair voting in favor of the motion.

RECESS

Dr. Montoya recessed the meeting at 6:30 p.m.

SATURDAY, MARCH 5, 2005

Board Members Present

Stephen K. Montoya, M.D., President
Joel N. Lubritz, M.D., Vice President
Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
Marlene J. Kirch
Sohail U. Anjum, M.D.
Javaid Anwar, M.D.
Charles N. Held, M.D.
Jean Stoess, M.A.
Cindy Lamerson, M.D.

Staff Present

Drennan A. Clark, J.D., Executive Secretary/Special Counsel
Laurie L. Munson, Deputy Executive Secretary/
Information Systems Administrator/Chief of Administration
Bonnie S. Brand, General Counsel
Edward O. Cousineau, Deputy General Counsel
Lynnette L. Krotke, Chief of Licensing
Carolyn H. Castleman, Deputy Chief of Licensing
Trent S. Hiett, Investigator (in Las Vegas)

Also Present

Charlotte M. Bible, J.D., Chief Deputy Attorney General

RECONVENE

Stephen K. Montoya, M.D., President, reconvened the meeting at 8:30 a.m.

Agenda Item 15 **(CONTINUED)**

**APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS
FOR LICENSURE**

Mrs. Kirch moved to go into Closed Session to discuss the character and professional competence of applicants for licensure approval. Dr. Anwar seconded the motion, and it passed.

CLOSED SESSION

15(g) Norma Salceda, M.D.

Upon returning to Open Session, Dr. Montoya questioned Norma Salceda, M.D., who appeared before the Board to respond to questions concerning her affirmative response to Question 12 on her application for licensure and regarding the fact that she has not passed a major examination within the past 10 years.

Dr. Salceda explained the circumstances surrounding the claims of malpractice against her that had resulted in settlements.

Dr. Montoya asked Dr. Salceda what circumstances she could cite which would compel the Board to grant her licensure by endorsement when she otherwise doesn't meet the requirements for licensure, and Dr. Salceda could cite none.

Mrs. Kirch moved that the Board decline to exercise its discretion to grant licensure by endorsement to Norma Salceda, M.D. Dr. Anjum seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to grant an unrestricted license to Norma Salceda, M.D. subject to her becoming recertified in her field of specialty. Dr. Lubritz seconded the motion, and it carried unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Dr. Baepler seconded the motion, and it passed.

15(s) Ronald Parker, M.D.

Upon returning to Open Session, Dr. Anjum questioned Ronald Parker, M.D., who appeared before the Board to respond to questions concerning his affirmative responses to Questions 13, 31 and 33 on his application for licensure.

Dr. Parker explained the circumstances surrounding his problems with substance abuse and his participation in diversion programs in Arizona and Nevada.

Dr. Anjum moved that the Board grant Ronald Parker, M.D.'s application for licensure. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anjum moved that the Board reconsider the previous motion. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anjum moved that the Board grant Ronald Parker, M.D.'s application for licensure contingent upon his continuing participation in the Diversion Program. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Anwar seconded the motion, and it passed.

15(t) Stephen Borodkin, M.D.

Upon returning to Open Session, Dr. Lubritz questioned Stephen Borodkin, M.D., who appeared before the Board to respond to questions concerning his affirmative responses to Questions 19 and 31, his negative responses to Questions 8, 9, and his lack of explanation to Question 33 on his application for licensure.

Dr. Borodkin explained the circumstances surrounding his suspension during residency at the University of Michigan Medical Center, the investigation of a patient complaint against him by the Arizona Medical Board, his termination from Arizona State Hospital and his problems with depression.

Dr. Anwar moved to return to Closed Session. Mrs. Kirch seconded the motion, and it passed.

Upon returning to Open Session, Dr. Baepler moved that the Board grant Stephen Borodkin, M.D.'s application for licensure with the following conditions: 1. That beginning three months after Dr. Borodkin begins practicing medicine in Nevada, Dr. Borodkin be monitored by his treating physician, quarterly for one year, then every six months for one year, and then annually for one year, with the Board to receive letters from his treating physician following each aforementioned period, stating that Dr. Borodkin is fit to practice medicine. 2. Dr. Borodkin is to sign a release for HIPPA to allow the Board to contact his treating physician, if the need arises. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed.

15(u) Monique Arize, M.D.

Upon returning to Open Session, Mrs. Kirch questioned Monique Arize, M.D., who appeared before the Board to respond to questions concerning her affirmative response to Question 12 on her application for licensure and regarding the fact that she has not passed a major examination within the past 10 years.

Dr. Arize explained the circumstances surrounding the single claim of malpractice against her.

Mrs. Kirch asked Dr. Arize what circumstances she could cite which would compel the Board to grant her licensure by endorsement when she otherwise doesn't meet the requirements for licensure, and Dr. Arize could cite none.

Mrs. Kirch moved that the Board decline to exercise its discretion to grant licensure by endorsement to Monique Arize, M.D. Dr. Lubritz seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved that the Board grant an unrestricted license to Monique Arize, M.D. pending successful passage of a peer review. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed.

15(v) Sanjeev Suri, M.D.

Upon returning to Open Session, Dr. Held questioned Sanjeev Suri, M.D., who appeared before the Board to respond to questions concerning the fact that he has not practiced clinical medicine since completing his fellowship in 2001, his affirmative response to Question 28 on his application for licensure and his negative response to question 31 on his application.

Dr. Suri explained why he has not practiced clinical medicine since completing his fellowship and the circumstances surrounding the investigation by the New York Office of Professional Medical Conduct that resulted in revocation of his limited permit to practice in New York. He told the Board he has a job offer in Las Vegas; however he cannot work under his current VISA. He took the Nephrology Boards in 2002 and took Continuing Medical Education in 2003, and also reads journals to keep current. He stated he was going to go into an observational position in a medical setting.

Dr. Anwar moved to return to Closed Session. Mrs. Kirch seconded the motion, and it passed.

Upon returning to Open Session, Dr. Montoya told Dr. Suri the Board is troubled that Dr. Suri has had a license revoked, that he has not practiced clinical medicine for four years and that he answered Question 31 incorrectly on his application. The Board wants to table Dr. Suri's application until a future meeting and in the meantime the Board wants to receive a certification that Dr. Suri has received 20 Continuing Medical Education credits in Nephrology and completed at least two months of an observership in Nephrology.

Dr. Held moved that the Board table Sanjeev Suri, M.D.'s application for licensure and reconsider it at a future meeting after he has provided the Board with a certificate of completion of 20 credits of Continuing Medical Education and a letter documenting a two-month observership in Nephrology, which will document clinical competency. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Baepler moved to return to Closed Session for the same purposes stated before. Dr. Anwar seconded the motion, and it passed.

15(w) Ashok Pandit, M.D.

Upon returning to Open Session, Dr. Baepler told Ashok Pandit, M.D. that the Board had two concerns with respect to his application for licensure. The first was that Dr. Pandit had recently relapsed and entered a recovery program and there had been insufficient time since that time to evaluate Dr. Pandit in any way. Additionally, three of the diagnoses by Talbot were of concern: addiction disease, relationship dysfunction and emotional dysfunction. The second concern was that Dr. Pandit's responses to questions on his application were misleading and/or false. Specifically, Dr. Pandit's response to Question 14, that the Board had denied Dr. Pandit's previous application due to an error on the application form and the Board told him to reapply in two years, trivializes the action taken by the Board and shows an attitude problem. The Board's concern was further complicated by the fact that Dr. Pandit wants a license in Nevada only to clear his record, not to practice medicine in Nevada, and there are no differences in circumstances between Dr. Pandit's previous application in 2002 and the current application, other than he had since relapsed and entered a diversion program in Florida.

Dr. Pandit explained that he has been clean since 2001 and he now has a greater understanding of his problem.

Dr. Baepler asked Dr. Pandit how having the denial of licensure by Nevada on his record has affected his ability to work, and Dr. Pandit stated that when prospective employers see the denial on his record it is a problem for him and if he were granted a license now he could show them that although he was denied licensure previously, he now has a license.

Dr. Lubritz moved to return to Closed Session. Dr. Anwar seconded the motion, and it passed.

Upon returning to Open Session, Dr. Baepler moved that the Board deny Ashok Pandit, M.D.'s application for licensure. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Baepler moved to return to Closed Session for the same purposes stated before. Dr. Anwar seconded the motion, and it passed.

15(r) David Hipkin, M.D.

Upon returning to Open Session, Dr. Baepler questioned David Hipkin, M.D., who appeared before the Board to respond to questions concerning his affirmative responses to Questions 12, 31 and 33 on his application for licensure.

Dr. Hipkin explained the circumstances surrounding the single claim of malpractice pending against him, the difficulties he experienced with the medical community in Page, Arizona, and the allegations of off-color jokes and inappropriate comments made to nurses at Flagstaff Medical Center. He told the Board if he received a license in Nevada, he planned to practice at Southwest Medical in Las Vegas at the Green Valley facility.

Mrs. Kirch moved to return to Closed Session. Dr. Anwar seconded the motion, and it passed.

Upon returning to Open Session, Dr. Baepler moved that the Board grant David Hipkin, M.D.'s application for licensure. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 16

MATTERS FOR FUTURE AGENDA

Mr. Clark stated the following matters would be on the Agenda for the June Board meeting: a legislative update, a proposed amendment to NAC Section 630.560 to increase the Practitioner of Respiratory Care Advisory Committee to five members, a discussion of adoption of the FSMB Model Guidelines governing office-based surgeries, a proposed amendment to NAC Section 630.301(9) to adopt a Code of Professional Ethics, the status of processing July 1, 2005-June 30, 2007 biennial licensure registration renewals, a report on the Compliance Review Project and presentation of compliance tracking procedures, and a presentation by Nevada Division of Mental Health and Developmental Services concerning the Disaster Preparedness and Response Team.

Ms. Stoess requested the Board discuss creating a policy requiring applicants to handle their own applications for licensure.

Agenda Item 17
PUBLIC COMMENT

The Board received no public comment.

ADJOURNMENT

Motion by Dr. Held to adjourn. Dr. Anjum seconded the motion, and it passed, with the Chair voting in favor of the motion.

Dr. Montoya adjourned the meeting at 11:23 a.m.